

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TYRONE BURSE,

Plaintiff,

23cv1046

ELECTRONICALLY FILED

v.

COMMONWEALTH OF PENNSYLVANIA,  
WARDEN ORLANDO L. HARPER,  
PATROLMAN STEVE KESTER,

Defendants.

**Memorandum Order Dismissing Case**

This is a *pro se* prisoner civil rights case that was commenced on June 12, 2023. Following a deficiency order, and response thereto, the Court issued a rule to show cause on October 10, 2023. Doc. No. 2, Doc. No. 4, and Doc. No. 6. Pending before this Court is the Report and Recommendation of Magistrate Judge Maureen E. Kelly, filed on February 6, 2024, wherein it is recommended that this case be dismissed for failure to prosecute pursuant to Fed. R. Civ. Pr. 41. Doc. No. 7. Objections to this Report and Recommendation were due on February 23, 2024. As of this date, no objections have been filed.

Upon *de novo* review and analysis of the *Poulis* factors as set forth in the Report and Recommendation, this Court finds that five (5) of the six (6) *Poulis* factors weigh in favor of dismissal, and therefore, this case is DISMISSED for failure to prosecute. However, said dismissal is with prejudice based upon Plaintiff's lack of response since August 10, 2023. It is further ORDERED that the February 6, 2024, Report and Recommendation (Doc. No. 7) is adopted as the Opinion of the Court, with the modification that such dismissal be with prejudice.

The Clerk of Court shall mark this case closed.

SO ORDERED, this 4th day of March, 2024

s/ Arthur J. Schwab

Arthur J. Schwab

United States District Court Judge

cc:

Tyrone Burse  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219